of the legislature enters such an assembly for the purpose of assisting in the election of a senator he ceases to be a member of the legislature and becomes an agent of the Federal government and is not therefore amenable to the laws of the state against bribery. That such an argument should be addressed to a court in the face of the constitutional prescription that senators of the United States shall be chosen by the state legislatures is a good illustration of the reliance which lawyers who have cases without merits place upon technicalities, and of the lightness with which, as President Taft remarks, they regard their obligations to society. Of course the presiding judge, being a man of common sense and desiring to see the case disposed of upon its merits, did not allow himself to be carried away by such sophistry and therefore denied the petition. But the affair is characteristic of the extent to which technicalities are relied upon in our criminal procedure and in some jurisdictions the plea might have been sustained as a good and valid one. J. W. G.

Lessons of the Thaw and Hyde Cases.

The Hyde case, which was recently concluded in Kansas City, like the Thaw case in New York, has again served to focus public opinion on the need of reform in our methods of conducting criminal trials, especially where expert testimony is the main reliance of the defense or the prosecution. The effect in both cases was to diminish rather than to increase popular respect for existing methods. The Kansas City *Star* recently entered a vigorous protest against the tactics employed by the lawyers in the Hyde case to shut out the truth and expressed disgust with our criminal procedure as it was followed in this notorious case. "At a moderate estimate," says the *Star*, "the jurors in the Hyde trial heard the phrase 'incompetent, irrelevant and immaterial' five thousand times. It was used fourteen times in twenty minutes in one afternoon. Each time it was offered as an objection to something which the lawyer believed to be competent, relevant and material—or he would not have objected to it." Again the *Star* remarks that "the whole procedure of a criminal trial like that of Dr. Hyde is essentially dishonest. It is hard for the people of a community to have genuine respect for legal administration which works to the suppression of facts and the evasion of law. Disrespect for the administration of law in the courts of law creates disrespect for law itself." It is precisely the last-mentioned effect of such trials upon the public mind that really constitutes the serious side of the situation. Ordinarily the break-

down of justice in an individual case is not a particularly serious matter to society as a whole because the perfect administration of the criminal law under all circumstances is not to be expected, but when the miscarriages become so common and so notorious as to bring the machinery of the criminal law into general disrepute and to create widespread disrespect for the law itself, a very grave situation is presented. Few things do more to undermine popular respect for the law and impair confidence in the instrumentalities for its administration than such farcical performances as those enacted in the Thaw and Hyde cases. They are not creditable to the bench and bar and are unworthy of the high standard of civilization that we have attained in so many other fields of endeavor. J. W. G.

The Federal Parole Law.

Under an act passed at the recent session of Congress any offender against the United States who is serving a sentence of more than one year in a Federal penitentiary or prison, and whose conduct in the institution has been satisfactory, may be released on parole after the expiration of one-third of his original sentence, minus his time earned under the commutation law. Each of the Federal penitentiaries (located at Atlanta, Ga., Leavenworth, Kan., and McNeil Island, Wash., respectively) is to have a board of parole composed of the superintendent of prisons of the Department of Justice, and the warden and the physician of the penitentiary. State institutions having Federal prisoners shall have, as occasion requires, a separate parole board made up of the Federal superintendent of prisons and such officers of the institution as the Attorney-General shall designate. It is provided, however, that the Federal prisoners confined in any reformatory institution having a local parole system shall be eligible to parole in the same manner as though they had been committed by state courts. Each board of parole, subject to the approval of the Attorney-General, shall establish rules and regulations of procedure, and prescribe the conditions under which each prisoner shall be released. The board of parole of each of the Federal penitentiaries shall appoint a parole officer at a salary not exceeding $1,500, and also may designate United States marshals to act as parole officers.

With the exception of the boys in the National Training School for Boys, no Federal prisoners have heretofore been admitted to parole. Many of the 2,500 or more Federal prisoners now in confinement and covered by this law are deserving of parole. The sen-